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09/668,110	09/22/2000	Mark E. Kriegsman	CLE-101	9580
26161	7590	12/22/2003	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			BAYARD, DJENANE M	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 12/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/668,110

Applicant(s)

KRIEGSMAN ET AL.

Examiner

Djenane M Bayard

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/15/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 18 is objected to because of the following informalities: the use of trademark is improper in a claim. The name JAVA must be replaced with an equivalent descriptive language. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5, 8-10, 13, 19-21, 23,26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,256,712 to Challenger et al.

- a. As per claims 1 and 19, Challenger et al teaches a method for enabling the generation of an updated web-page in a cache, said method comprising: implementing a programmable rule defining a triggering event, the occurrence of which is indicative of

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the existence of an obsolete portion of said web-page (See col. 29, lines 20-23); detecting the occurrence of said triggering event (See col. 3, lines 10-11); in response to the occurrence of said triggering event, requesting an update of said obsolete portion (See col. 3, lines 12-16); and receiving an updated portion of said web-page for storage in said cache (See col. 2, lines 66-67 and col. 3, line 1).

b. As per claims 2 and 20 Challenger et al teaches generating a web-page incorporating said updated portion therein and serving said web-page to a user (See col. 9, lines 2-8).

c. As per claims 3 and 21, Challenger et al teaches wherein implementing said programmable rule comprises interpreting a script containing instructions for defining said rule (See col. 8, lines 12-22).

d. As per claims 5 and 23, Challenger et al teaches wherein detecting said triggering event comprises detecting the receipt of an updated portion of said web-page (See col. 2, lines 59-60).

e. As per claims 8 and 26, Challenger et al teaches wherein requesting an update comprises establishing communication with an origin server and requesting said update therefrom (See col. 30, lines 25-27), and receiving an updated portion comprises

receiving said updated portion from said origin server (See col. 8, lines 17-20). (Cache manager is located at the origin server, See col. 7, lines 42-44).

f. As per claim 9, Challenger et al teaches wherein comprising a cache memory element separate from said origin server (See col. 7, lines 12-14)).

g. As per claim 10, Challenger et al teaches comprising a cache memory element at said origin server (See col. 7, lines 8-11).

h. As per claim 13, Challenger et al teaches a web-serving system comprising: a cache memory having content stored therein; a cache manager in communication with said cache memory for controlling said content of said cache memory (See col. 8, lines 46-47); and a programmable script in communication with said cache manager for detecting the occurrence of a triggering event (See col. 9, lines 2-6), and in response to said triggering event, instructing said cache manager to alter said content of said cache memory (See col. 8, lines 16-20 and col. 9, lines 6-8)

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,256,712 to Challenger et al in view of U.S. Patent No. 6,337,696 to Lindhorst et al

a. As per claims 4 and 22, Challenger et al teaches the claimed invention as described above. However, Challenger et al fails to teach wherein detecting said triggering event comprises detecting an elapsed time defined by said programmable rule.

Lindhorst et al teaches a system and method for facilitating generation and editing of event handlers. Furthermore, Lindhorst et al teaches wherein detecting said triggering event comprises detecting an elapsed time defined by said programmable rule (See col. 2, lines 59-61)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate detecting said triggering event comprises detecting an elapsed time defined by said programmable rule as taught by Lindhorst et al in the claimed invention of Challenger et al in order to initiate and run the corresponding event handling software on the computer system (See col.2, lines 56-58)

6. Claims 6 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,256,712 to Challenger et al in view of U.S. Patent No. 6,337,696 to Nashed.

a. As per claims 6 and 24, Challenger et al teaches the claimed invention as described above. However, Challenger et al fails to teach wherein requesting an updated portion of said web-page comprises formulating a database query to be carried out by a database engine.

Nashed teaches a method and system for searching indexed information databases with automatic user registration via a communication network. Furthermore, Nashed teaches wherein requesting an updated portion of said web-page comprises formulating a database query to be carried out by a database engine (See col. 9, lines 11-17)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein requesting an updated portion of said web-page comprises formulating a database query to be carried out by a database engine as taught by Nashed in the claimed invention of Challenger et al in order to provide the new web page (See col. 9, line 18).

7. Claims 7, 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,256,712 to Challenger et al in view of U.S. Patent No. 6,449,636 to Kredo et al.

a. As per claims 7,17 and 25, Challenger et al teaches the claimed invention as described above. However, Challenger et al fails to teach wherein said web-page comprises, in addition to said updated portion, a plurality of constituent portions and

said method further comprises providing an assembly script containing instructions for assembling

said constituent portions and said updated portion into said web-page.

Kredo et al teaches a system and method for creating a dynamic data file from collected and filtered web pages. Furthermore, Kredo et al teaches wherein said web-page comprises, in addition to said updated portion, a plurality of constituent portions and said method further comprises providing an assembly script containing instructions for assembling said constituent portions and said updated portion into said web-page (See col. 4, lines 15-19)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate said web-page comprises, in addition to said updated portion, a plurality of constituent portions and said method further comprises providing an assembly script containing instructions for assembling said constituent portions and said updated portion into said web-page as taught by Kredo et al in the claimed invention of Challenger et al in order to extract information and incorporate the extracted information in a single web page (See col. 1, lines 18-20).

8. Claims 11-12, 14-15 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,256,712 to Challenger et al in view of U.S. Patent No. 6,633,874 to Nusbickel.



a. As per claims 11 and 27, Challenger teaches the claimed invention as described above. However, Challenger et al fails to teach wherein collecting access-data indicative of how frequently said web-page is requested.

Nusbickel teaches a method for improving the performance of a web service by caching the most popular (real-time) information. Furthermore, Nusbickel teaches collecting access-data indicative of how frequently said web-page is requested (See col. 4, lines 51-56)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate collecting access-data indicative of how frequently said web-page is requested as taught by Nusbickel in the claimed invention of Challenger et al in order to update the list stored in the database of most popular headings to cache based on access count information (See col. 4, lines 59-61).

b. As per claim 12 and 28, Challenger et al teaches the claimed invention as described above. However, Challenger et al fails to teach managing the content of said cache in response to said access-data.

Nusbickel teaches a method for improving the performance of a web service by caching the most popular (real-time) information. Furthermore, Nusbickel teaches managing the content of said cache in response to said access-data (See abstract, lines 8-10).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate managing the content of said cache in response to

said access-data as taught by Nusbickel in the claimed invention of Challenger et al in order to keep the most commonly access information in cache (See col. 1, line 60).

c. As per claim 14, Challenger et al teaches the claimed invention as described above. However, Challenger et al fails to teach wherein a usage-monitor for collecting access-data indicative of the frequency with which a selected web-page is requested.

Nusbickel teaches the Nusbickel teaches a method for improving the performance of a web service by caching the most popular (real-time) information. Furthermore, Nusbickel teaches wherein a usage-monitor for collecting access-data indicative of the frequency with which a selected web-page is requested.(See col. 4, lines 51-56

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a usage-monitor for collecting access-data indicative of the frequency with which a selected web-page is requested as taught by Nusbickel in the claimed invention of Challenger et al in order to update the list stored in the database of most popular headings to cache bases on access account (See col. 4, lines 59-61)

d. As per claim 15, Challenger et al teaches the claimed invention as described above. However, Challenger et al teaches fails to teach wherein said usage-monitor provides said access data to said programmable script, and said programmable script alters said content of said cache memory in response to said access-data.

Nusbickel teaches a method for improving the performance of a web service by caching the most popular (real-time) information. Furthermore, Nusbickel teaches wherein said usage-monitor provides said access data to said programmable script (See col. 4, lines 51-56) and said programmable script alters said content of said cache memory in response to said access-data (See col. 3, lines 60-64 and See col. 2, lines 21-24).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate teach wherein said usage-monitor provides said access data to said programmable script, and said programmable script alters said content of said cache memory in response to said access-data as taught by Nusbickel in the claimed invention of Challenger et al in order to return information to the end-user the quickest way (See col. 1, lines 44-45).

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,256,712 to Challenger et al in view of U.S. Patent No. 6,539,538 to Brewster et al.

a. As per claim 16, Challenger et al teaches the claimed invention as described above. However, Challenger et al fails to teach a communication path between said programmable script and an administrator process, said communication path enabling said programmable script to receive instructions from said administrator process.

Brewster et al teaches an intelligent information routing system and method. Furthermore, Brewster et al teaches a communication path between said programmable script and an administrator process, said communication path enabling said programmable script to receive instructions from said administrator process (See col. 5, lines 28-31).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a communication path between said programmable script and an administrator process, said communication path enabling said programmable script to receive instructions from said administrator process as taught by Brewster et al in the claimed invention of Challenger et al in order to download new scripts to the script interpreter engine. (See col. 5, lines 31-32)

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,256,712 to Challenger et al in view of U.S. Patent No. 6,662,192 to Rebane.

a. As per claim 18, Challenger et al teaches the claimed invention as described above. However, Challenger et al fails to teach wherein said programmable script is a JAVA script.

Rebane teaches wherein the programmable script is a JAVA Script (See col. 12, lines 15).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein the script is a JAVA script as taught by Rebane in the claimed invention of Challenger et al in order to query a local computer through a web browser (See col. 12, line 17).


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M Bayard whose telephone number is (703) 305-6606. The examiner can normally be reached on 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Djenane Bayard

  
**RUPAL DHARIA**  
**SUPERVISORY PATENT EXAMINER**